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March 6, 2013

VIA CM/ECF and HAND DELIVERY

The Honorable Leonard P. Stark
United States District Court for the District of Delaware
822 North King Street
Wilmington, DE 19801

Re: *Horizon Pharma, Inc. et. al. v. Par Pharmaceutical Companies, Inc., et al.*,
Civil Action No. 12-cv-393 (LPS)

Dear Judge Stark:

We write on behalf of all parties to respectfully request that a new schedule be entered in the above-captioned action that will allow the parties to litigate together three additional patents that concern similar issues.

The above-captioned matter is a patent infringement suit involving U.S. Patent No. 8,067,033 and relating to Par's filing of an abbreviated new drug application ("ANDA"), which seeks approval from the FDA to market a generic version of Horizon's drug product Duexis®. U.S. Patent No. 8,067,033 is listed in the FDA's Orange Book relative to the drug product Duexis®. Horizon's filing of this suit caused a 30-month stay of FDA approval of Par's ANDA, which expires on August 15, 2014.

On January 17, 2013, Horizon filed a second complaint against Par in this Court, alleging infringement of two additional patents, U.S. Patent Nos. 8,309,127 and 8,318,202, both of which are also listed in the FDA's Orange Book relative to Duexis®. *See* 1:13-cv-00102, D.I. 1. Additionally, Horizon intends to list an additional patent in the Orange Book relative to Duexis®, which is anticipated to issue from U.S. application Serial No. 13/620,150 within four weeks. Horizon has informed Par that Horizon intends to sue Par on this fourth anticipated patent in this Court.

The parties agree that Civil Action Nos. 12-cv-393 and 13-cv-102, as well as the future action involving the patent anticipated to issue from U.S. application Serial No. 13/620,150, should be consolidated to conserve resources. The parties further agree that the Scheduling Order that has been entered in Civil Action No. 12-cv-393 (LPS) should be modified accordingly to allow the parties to conduct claim construction and trial for all four patents at once, but still provide the Court with the opportunity to resolve the case prior to the August 2014 expiration of the FDA's 30-month stay of approval of Par's product. In particular, subject to the Court's

approval, the parties agree that the Markman hearing, currently scheduled for April 16, 2013, and the trial, currently scheduled to begin on January 27, 2014, should each be moved to a later date, and that the currently-scheduled five-day trial should be expanded to a seven-day trial.

The parties respectfully request entry of the following modifications to the Scheduling Order that has been entered in Civil Action No. 12-cv-393 (LPS):

Event	Deadline
Exchange list of claim terms to be construed	May 31, 2013
Joint Claim Construction Chart	June 7, 2013
Initial briefs on claim construction	June 28, 2013
Answering/ responsive briefs on claim construction	July 19, 2013
Hearing on claim construction	early August 2013, subject to the Court's availability
Fact discovery cut off	August 14, 2013
Opening expert reports	October 4, 2013
Rebuttal expert reports	November 8, 2013
Reply expert reports	December 6, 2013
Expert discovery cut off	January 24, 2014
Plaintiffs serve draft pretrial order on Defendants	March 7, 2014
Defendants serve response to draft pretrial order on Plaintiffs	March 21, 2014
Joint proposed pretrial order	March 31, 2014
Pretrial conference	April 14, 2014, subject to the Court's availability
Seven-day bench trial	any 7 days between April 28 and May 9, subject to the Court's availability

If the Court is unable to schedule a trial during the time proposed by the parties, the parties respectfully request a teleconference to discuss with the Court prior to the entry of any new scheduling order.

We thank the Court for its consideration of this request. Counsel will make themselves available at the Court's convenience should you wish to discuss this request.

Respectfully Submitted,

/s/ John C. Phillips, Jr.

John C. Phillips, Jr. (No. 110)

cc: Clerk of Court (via hand delivery)
All Counsel of Record (via CM/ECF and email)